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10/550,314

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Shinji Negishi

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EXAMINER

NATNAEL, PAULOS M

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,314

Applicant(s)

NEGISHI ET AL.

Examiner

PAULOS M. NATNAEL

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. Figures **1, 2A-2C, 3A-3C** should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention has been referred to variously as: DATA SYNTHESIS DEVICE AND DATA SYNTHESIS METHOD (in IDS, provided by applicant); DATA COMBINING APPARATUS AND DATA COMBINING METHOD (in the specification and Oath and Declaration, for example). One title should be selected and presented. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2622

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-4, 6-9, 11-14, 16-19** are rejected under 35 U.S.C. 102(b) as being anticipated by Patton et al. U.S. Pat. No. 6,144,415.

Considering claims 1 and 6, Patton discloses an apparatus for combining an auxiliary image with a main image (abstract), and discloses all claimed subject matter including the claimed:

a) a processing unit for performing predetermining processing on the first data, is met by PIP video processor 113, FIG. 2;

b) a data generation unit for generating the second data, is met by video processor 104, FIG.2;

c) a combining unit for combining the first data processed by the predetermined processing in the processing unit and the second data generated by the data generation unit, is met by multiplexer 108, FIG.2;

d) a timing information generation unit for generating timing information for the processing of the processing unit or for processing for generation of the data generation unit so that the combination of the first data processed by the predetermined processing

in the processing unit and the second data generated by the generation unit is performed at the same timing, is met by Timing generators 106 and 114, Fig.2; e) a control unit for correcting a timing for processing or generation to make the processing unit or the data generation unit perform the predetermined processing or data generation based on the timing information generated by the timing information unit, is met by the address generators 118 and 122, FIGs.2 and 7. Patton discloses that a control circuit, generates the quincunx subsampler control signal so that the quincunx subsampler takes samples in one of the sample patterns at the beginning of each auxiliary image video signal field, and in the other sample pattern after a switch time calculated so that the quincunx subsampled auxiliary image samples in the combined image all are taken by the same sample pattern. (Abstract, col. 8, line 20+; See also col. 16, lines 30-50)

Considering claims **2, 7, 12, and 17**, Patton discloses that the subsampler as comprising a delay circuit 440 (FIG.7) meeting the claimed second processing unit.

Considering claims **3, 8,13 and 18**, Patton teaches that the main timing signal generator 106 also produces a signal indicating when the display device is scanning the portion of the display image in which the PIP inset image is to be located and that the PIP timing signal generator 114 identifies, extracts and processes the PIP synchronization component. (See, for example, col. 4, lines 56-59; col. 5, line 1-5)

Considering claims **4, 9, 14 and 19**, Patton discloses the display generator 124 and subsampler 116 (FIG.2) which superpose the timing information received from the timing generators 106 and 114, respectively.

Claims **11 and 16** are method claims of claims 1 and 6 and, thus, claims 11 and 16 are rejected for the same reason as in claims 1 and 6.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **5,10,15,20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton.

Patton does not specifically disclose superposing the timing information generating from the timing generators to "a blanking period of the first data or the second data relating to an image". Patton discloses the main timing signal generator 106 generating a signal indicating when the display is scanning the portion of the display image in which the PIP inset image is to be located. (col. 4, lines 56+). It is well known that such timing data may be transmitted superimposed on the blanking period of the video signal. The examiner therefore takes Official Notice in that superposing timing information to a

blanking period of a video data is notoriously well in the art and it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Patton accordingly. Doing so would help in generating better synchronization between the two video signals to be combined by the multiplexer/combiner 108.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yoshida et al. U.S. 5,657,095 discloses system for combining image signals.

Fang et al., U.S. 6,606,127 discloses synchronizing and reproducing video signals.

Yui, U.S. 6,961,097 teaches image processing apparatus.

Nakatani et al., U.S. 5,805,237 Image processing apparatus with a function of superimposing a binary image on another image.

Hashimoto, U.S. 5,218, 453 that the timing information is superimposed in the blanking period of video signals recorded on the optical video disc 3.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAULOS M. NATNAEL whose telephone number is (571)272-7354. The examiner can normally be reached on 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh W. Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAULOS M. NATNAEL/
Primary Examiner, Art Unit 2622

August 3, 2008